

REMARKS

Applicants have made amendments to the originally filed claims in order to correct claiming informalities and to remove multiple dependencies. Applicants submit that these amendments will aid in the prosecution of the instant application. The objection to claim 6 is overcome by its amendment. Applicants would respectfully submit that claim 6 and newly added claims 9, 11 and 12 would be included in group I under the reasoning of the pending restriction requirement and that newly added claims 7-8, 10 and 13 would be included in group II. Applicants have amended claim 1 to further emphasize its invention. Support for these amended can be found generally throughout the specification and the originally filed claims. No new matter has been added by these amendments.

In Paragraphs 2 and 3 of the pending Office Action, the Examiner set forth an election/restriction requirement. The Office Action restricts pending claims 1-6 as follows:

Group I: is drawn to a method for modulating behavioral responsiveness, classified in class 514, subclass 2, originally embodied in claims 1, 3-5. Currently embodied in claims 1, 3-6, 9, 11 and 12.

Group II; is drawn to a method for reducing degradation of the NPY, classified in class 424, subclass 94.1, originally embodied in claims 2, 4-5. Currently embodied in claims 2, 7-8, 10 and 13.

I. Restriction.

Applicants provisionally elect, with traverse, Group I. According to Section 803 of the M.P.E.P., restriction may properly be required between patentably distinct inventions if (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner if restriction is not required. In this case, the entire patent system would be unnecessarily burdened with the additional application required and the duplicative work this restriction demand entails.

Specifically, Applicants respectfully submit that there will not be a serious burden on the Examiner if restriction between the claims is not required because regardless of the claims prosecuted, the field of search for each of the identified species will substantially overlap, if not be identical to the other. A separate field of search is shown to exist only when one of the distinct subjects can be searched in places where no pertinent art to the other subject exists. In this case, however, there is no indication that a separate field of search is required for the disclosed inventions. Thus, Applicants respectfully contend that there will not be a serious burden on the Examiner if restriction is not required and would respectfully request that this restriction requirement be withdrawn.

II. Election of Species.

In paragraph 5, the Examiner further states that pending claim 1 is generic to a plurality of disclosed disease specifically articulated in claim 3. The Examiner is requesting that Applicants elect a single species of the disclosed disease states. Applicants respectfully traverse this election of species requirement, however, provisionally elect the following single disclosed disease state, this elected disease is as follows: anxiety disorders.

Specifically, Applicants respectfully submit that there will not be a serious burden on the Examiner if election of species is not required because regardless of the claims prosecuted, the field of search for each of the identified species will substantially overlap, if not be identical to the other. A separate field of search is shown to exist only when one of the distinct subjects can be searched in places where no pertinent art to the other subject exists. In this case, however, there is no indication that a separate field of search is required for each of the disclosed species. Thus, Applicants respectfully contend that there will not be a serious burden on the Examiner if restriction is not required and would therefore respectfully request that the species election be withdrawn.

CONCLUSION

The claims remaining within the application are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of this application is respectfully requested.

Respectfully submitted,

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